

United States District Court
Eastern District of California

Patrick William Banks,

Petitioner,

vs.

Mark Shepherd, et al.,

Respondents.

No. Civ. S 05-0797 MCE PAN P

Findings and Recommendations

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Petitioner alleges his constitutional right to due process was violated in connection with California parole proceedings.

Respondent moved July 25, 2005, to dismiss based on the district court's ruling in Sass v. California Bd. of Prison Terms, 376 F. Supp. 2d 975 (E.D. Cal. 2005). September 15, 2005, petitioner opposed.

This case is assigned to the same district judge who decided Sass. Therefore, although that decision is pending on appeal, in the interest of judicial economy and decorum I hereby recommend

1 that respondent's July 25, 2005, motion to dismiss be granted and
2 this action be dismissed.

3 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
4 findings and recommendations are submitted to the United States
5 District Judge assigned to this case. Written objections may be
6 filed within 10 days of service of these findings and
7 recommendations. The document should be captioned "Objections to
8 Magistrate Judge's Findings and Recommendations." The district
9 judge may accept, reject, or modify these findings and
10 recommendations in whole or in part.

11 Dated: November 22, 2005.

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13 /s/ Peter A. Nowinski
14 PETER A. NOWINSKI
15 Magistrate Judge
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